
II. The Galveston Bay Program of the Texas Natural Resource Conservation Commission

This chapter describes implementation of *The Galveston Bay Plan (Plan)* under a newly-created Galveston Bay Program (GBP) of the Texas Natural Resource Conservation Commission (TNRCC). The GBP will operate out of a Galveston Bay Office, to be established in the bay area. A *Galveston Bay Council (GBC)*, comprised of the government agencies, stakeholders, and citizens involved in bay use and management, will be established to provide guidance and oversight on *Plan* implementation.

Consideration of Alternatives

Several management strategies were considered by the Galveston Bay National Estuary Program (GBNEP) Management Conference to lead *Plan* implementation. Three alternatives were reviewed in detail: the TNRCC; the Texas General Land Office (GLO); and a new, independent entity created by the Texas Legislature. Each of these alternatives was viewed by the Management Conference to have pros and cons. The *Plan's* recommendations span a broad array of programs, well beyond the jurisdiction of any single state agency. This factor favored the creation of a new entity. However, funding for an agency-based program could be drawn from agency appropriations or other existing revenue sources. Funding for an independent entity would require passage of enabling legislation to provide a new funding source such as general revenue, fees, or taxes.

During development of the *Plan*, creation of a new, independent entity (first proposed as the "Galveston Bay Authority," and later the "Galveston Bay Council") was initially identified by the GBNEP Management Conference as the preferred alternative. Subsequently, numerous focus group discussions with local government officials and others revealed little support for any approach that would: (1) create a totally new government structure with authority over local actions; or (2) involve funding or collection of funds by local governments (e.g., taxes or fees). In general, local officials did not find fault with the *Plan's* initiatives; rather, they were concerned with the funding mechanism and management structure for the proposed implementing entity.

As a result of the involvement by local officials and further deliberation by the GBNEP Management Conference, the TNRCC was identified as the preferred implementing entity. Several factors weighed in this decision:

The TNRCC is responsible for the majority of the state-initiated actions in the *Plan*, in terms of funding and regulatory authority. TNRCC initiatives are estimated to cost about \$7.5 million over the first five years of *Plan* implementation, compared to \$4.5 million for the Texas Parks and Wildlife

Department (TPWD) and \$1.5 million for the GLO (other state agencies have even smaller amounts).

The National Estuary Program was established by the federal Clean Water Act (CWA), and all other CWA programs are under TNRCC jurisdiction at the state level.

The recent consolidation of natural resource management programs under the TNRCC by the Texas Legislature has given this agency a broad role in the management of aquatic and marine ecosystems—a good fit with the comprehensive approach of the *Plan*. The GLO, in its role as staff for the Texas Coastal Coordination Council (CCC), may provide a complementary role through the state consistency provisions of the Texas Coastal Management Program (TCMP), if provisions of *The Plan* are adopted as a Special Area Management Plan (SAMP).

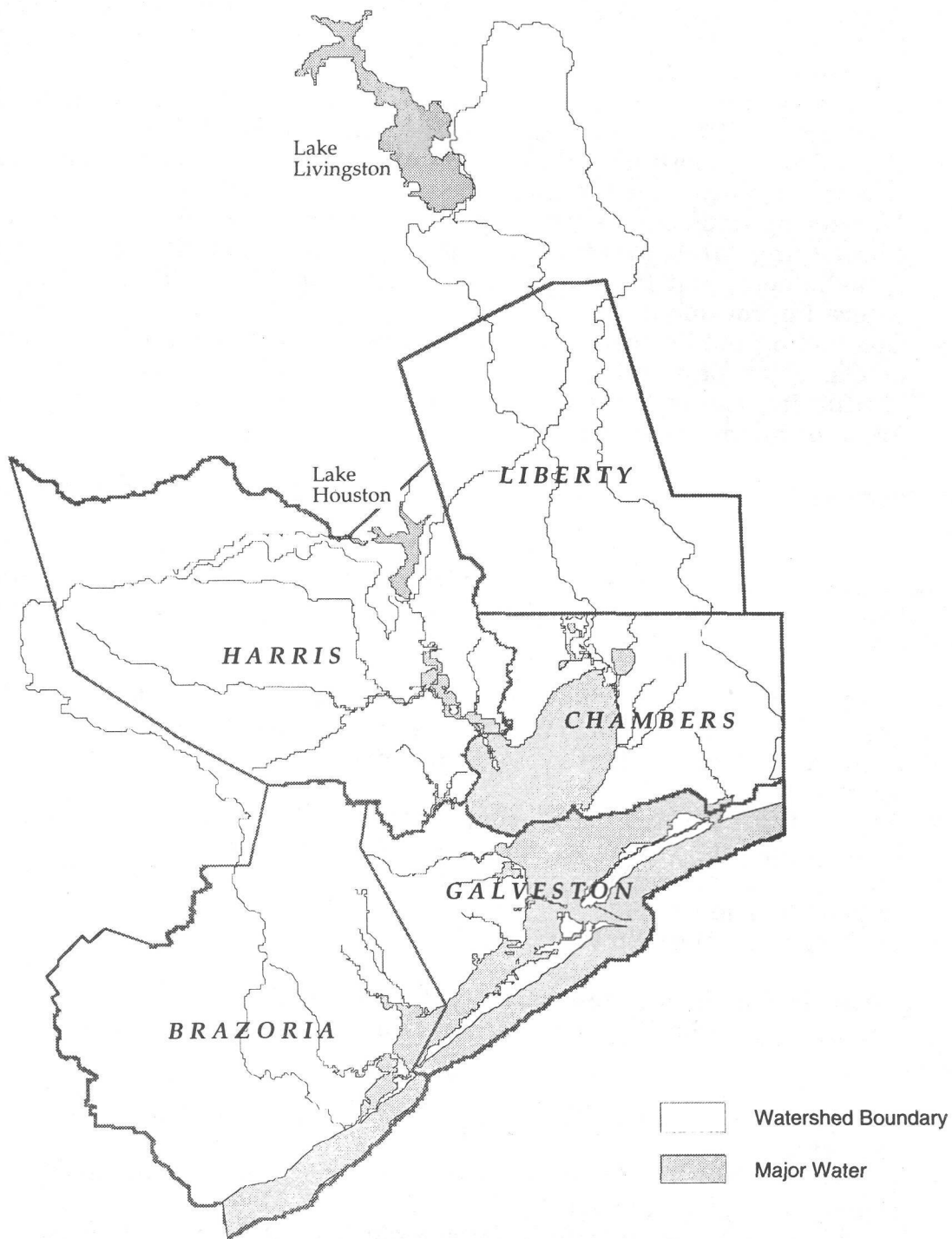
The TNRCC Galveston Bay Program

Geographic Coverage. Geographically, the GBP will concern itself with the lower Galveston Bay watershed within the following five counties: Brazoria, Chambers, Galveston, Harris, and Liberty. While Galveston Bay's watershed extends north nearly to Oklahoma (including Dallas and Fort Worth), scientific work has shown that influences from the upper watershed are minor in comparison to influences in the lower watershed downstream from Lake Livingston (on the Trinity River) and Lake Houston (on the San Jacinto River). Geographic coverage of the GBP is shown in Figure 1.

Funding. Funding needs for the GBP will be \$2.0 million per year, of which half is earmarked as seed money to match and attract/secure funds from outside the bay region for *Plan* implementation. Of the \$2.0 million base program funding, \$1.5 million will be state funds and \$500,000 federal. Beyond the base program, overall *Plan* implementation is expected to cost some \$36.5 million over a five-year period. Detailed information on funding *Plan* implementation is provided in the *Funding Strategy for the Comprehensive Conservation and Management Plan*.

Staffing and Duties of the Galveston Bay Program. A Galveston Bay Program Director and staff of up to 15 TNRCC employees will oversee *Plan* implementation. In addition to coordinating implementation activities among the many public agencies and other participants, the GBP will also provide technical assistance and will be directly responsible for the implementation of certain *Plan* actions. The composition of the staff will reflect the *Plan's* initiatives, with expertise in wetlands and estuarine habitats, coastal resource conservation, non-point source pollution issues, water quality, public health, and public education. Work of the staff will also include support actions such as regional monitoring initiatives, research, and fostering continued public participation in establishing bay management policy.

FIGURE 1. *Geographic Coverage of the Galveston Bay Program*



Adapted from HGAC

The duties of the GBP staff will include (but not necessarily be limited to) the following:

- Acquiring, managing and dispersing funds to implement *The Plan*
- Reviewing federal, state and local projects in an open process for consistency with *The Plan*
- Providing for coordination with the Texas Coastal Management Program (CMP) and the Coastal Coordination Council (CCC)
- Providing for coordination and communication among state and federal resource agencies for the many cross-jurisdictional issues
- Monitoring implementation of specific actions by *The Plan's* partners
- Identifying and communicating bay improvements to agencies, stakeholders, and the public, and redirecting *The Galveston Bay Plan* where improvements lag
- Conducting public outreach and education to increase public awareness of Galveston Bay, and to advocate conservation of the estuary
- Evaluating the impacts of proposed actions on cultural resources and areas of historical significance

Several more specific activities associated with these functions are discussed below.

Focusing Agency Efforts. A key aspect of the GBPs will be guiding the efforts of federal, state, and local agencies, organizations and the public. These activities will include:

- Informing federal, state, and local agencies and private interests of their responsibilities and opportunities under the *Plan*.
- Maintaining implementation commitments from policy officials and agencies.
- Promoting interagency cooperation through Memoranda of Understanding, as well as other less formal means.
- Maintaining communication among all involved with or affected by implementation actions.
- Staffing the Galveston Bay Council.

Securing Funds for Implementation. The GBP will seek public and private funding sources to pay for *Plan* implementation. Methods for obtaining funds will include:

- Applying directly for federal and state grants to implement specific projects.
- Assisting agencies, local governments, and others in securing grant funds for implementation.
- Working with appropriate funding agencies and non-profit foundations to consider *Plan* priorities in their funding decisions, through delineation of "hard" funding for existing core programs, as well as leveraging outside funds.
- Working to secure private sponsorships, donations, and in-kind services to support *Plan* implementation.

Consistency Review. The GBP will review applicable federal assistance and development projects for consistency with the *Plan*, in accordance with the provisions of Section 320 of the Clean Water Act. GBP policies and procedures for federal consistency review are described in detail in *The Federal Consistency Report for the Galveston Bay Estuary*.

The GBP will also provide input to the CCC in determining consistency of certain state and local projects under the TCMP. The CCC plans to adopt all or portions of the enforceable policies of the *Plan* as a Special Area Management Plan (SAMP) within the TCMP. Once the *Plan* (as a whole or in part) is adopted as a SAMP, applicable state actions will also be reviewed for consistency with the provisions of the *Plan* included in the SAMP. The GBP will provide input on these consistency reviews by providing comments to the CCC on actions subject to the TCMP that occur within the GBP's geographic coverage. The CCC will make the final determination of consistency. Consistency review under the TCMP is one of many implementation tools which will be used by the GBP, so *Plan* implementation will still occur, even if the *Plan* is not adopted as a SAMP.

The Galveston Bay Council may appoint a committee to help provide input on consistency reviews. GBP staff will also work closely with the GLO to "pre-review" projects for *Plan* consistency whenever possible. This "pre-review" will enable applicants to address potential impacts on the bay earlier in their planning process, minimizing inconsistencies with the *Plan*.

Once the TCMP has been approved and implemented, Texas also plans to seek designation as a federal Coastal Zone Management (CZM) program. If federal CZM status is granted, consistency review would also apply to federal permits and licenses (under CWA consistency, it only applies to federal agency actions and funding assistance programs). This designation would add a powerful implementation tool, since federal permits for discharges of wastewater, stormwater, and dredged materials, among others, would need to be consistent with the *Plan*. However, the *Implementation Strategy* recognizes that CZM designation for Texas is not a foregone conclusion. Hence, consistency review for federal permits under CZM is not the sole implementation strategy for any of the *Plan's* actions.

Monitoring and Evaluation. Ambient environmental monitoring will be the primary method of determining the effectiveness of *Plan* implementation actions. The *Galveston Bay Monitoring Plan* provides the basis for a long-term coordinated strategy for monitoring key environmental conditions in the bay and lays out the approach that will be used to collect this data.

Completed *Plan* actions will be regularly evaluated against monitored data to determine their effectiveness. The GBP will track the status of all implementation actions initiated, underway, or completed, and assess their effect on monitored parameters in the bay environment. The results of this assessment will be used to modify the *Plan*, or re-direct resources, if necessary, to ensure that action initiatives are producing the intended benefits and represent an effective use of funding. On a biennial basis, an overall GBP progress report, including a summary of actions and monitored results, will be submitted to the Governor, the Texas Legislature, and to the public.

Plan Revisions. If, based on monitored results, any Action Plans are evaluated as ineffective, the *Plan* will be amended and resources redirected. The Galveston Bay Council (described later in this Chapter) will need to approve any revisions to the *Plan*. The biennial "State of the Bay Symposium," to be convened every other year prior to the GBP report to the Governor and the Texas Legislature, will provide an important input to *Plan* revisions. Monitoring and evaluation results and the need for *Plan* redirection will be addressed by scientists, resource managers, and the public at each State of the Bay Symposium. Based on all these sources of information, the *Plan* will be formally revised every five years.

Public Education and Outreach. The GBP will serve as the regional information clearinghouse for the Galveston Bay ecosystem, and will conduct public education and outreach activities. Outreach efforts may include publications, educational events, electronic media, a speakers bureau, and response to information calls. Information made available to the public will include:

- Results of basic and applied research.
- Monitoring findings.
- Public health and safety information.
- Action plan progress reports and agency performance evaluations.
- Regulatory and funding information.
- Public education materials.

The biennial State of the Bay Symposium will also be an important opportunity for public participation. The targeted audience of the Symposium will include elected officials, natural resource and funding agency managers, local governments, the scientific community, industry, small businesses, non-profit and volunteer organizations, and the general public.

Advocacy. The GBP and the GBC will play a major role in advocating Galveston Bay management initiatives at the federal, state, and local government levels, as well as in the private sector. This advocacy role will be to promote legislation, regulations, funding, voluntary actions, and other steps necessary to support the long-term protection of the bay and the effective implementation of the *Plan*. The GBP will also take the lead in raising basic public awareness of Galveston Bay, its resources, and its priority problems.

The Galveston Bay Council

To effectively implement the diverse set of recommendations in the *Plan*, dealing with habitat, aquatic life (as well as other wildlife), competing resource uses, water quality, and human health, the GBP will require ongoing involvement and coordination among multiple resource agencies and bay stakeholders. The need for cross-jurisdictional coordination is emphasized in a recent evaluation of current bay governance entitled *Framework for Action: Galveston Bay Management Evaluation*. Figure 2 presents examples of existing environmental programs that the GBP will focus towards achieving the goals and objectives of the *Plan*.

To maintain a high level of involvement and coordination, a Galveston Bay Council (GBC) will be established to advise the TNRCC and GBP on *Plan* implementation. The GBC will consist of representatives of federal, state, regional, local agencies, the research community, local governments, citizen groups including representatives for low-income and minority communities and other Galveston Bay stakeholders (see Figure 3). The GBC will select its own Chair on an annual basis and will meet at least quarterly to perform the following functions:

- Providing a forum for technical and stakeholder review and input during *Plan* implementation
- Maintaining agency commitments to implement *The Galveston Bay Plan*
- Advising TNRCC staff during preparation of progress reports, evaluations, and *Plan* updates
- Authorizing and making appointments to advisory committees as necessary
- Assessing the success of the actions plans and initiating revisions
- Addressing legislative issues and making recommendations to the legislature
- Setting annual priorities for implementation of the action plans, by advising the TNRCC.

The GBC will have the ability to form subcommittees or work groups as necessary to accomplish its advisory duties to the TNRCC and GBP. These subcommittees will be established on an as-needed basis. For example, a Technical Advisory Committee may be formed to advise the GBC on technical and scientific issues, such as monitoring and research. A Consistency Review Committee may be established to participate in both federal and state consistency reviews or TCMP "pre-review" activities involving state agencies. Temporary special-purpose committees may also be established, for example, to manage the State of the Bay symposia.

FIGURE 2. Galveston Bay Plan Programs and Results

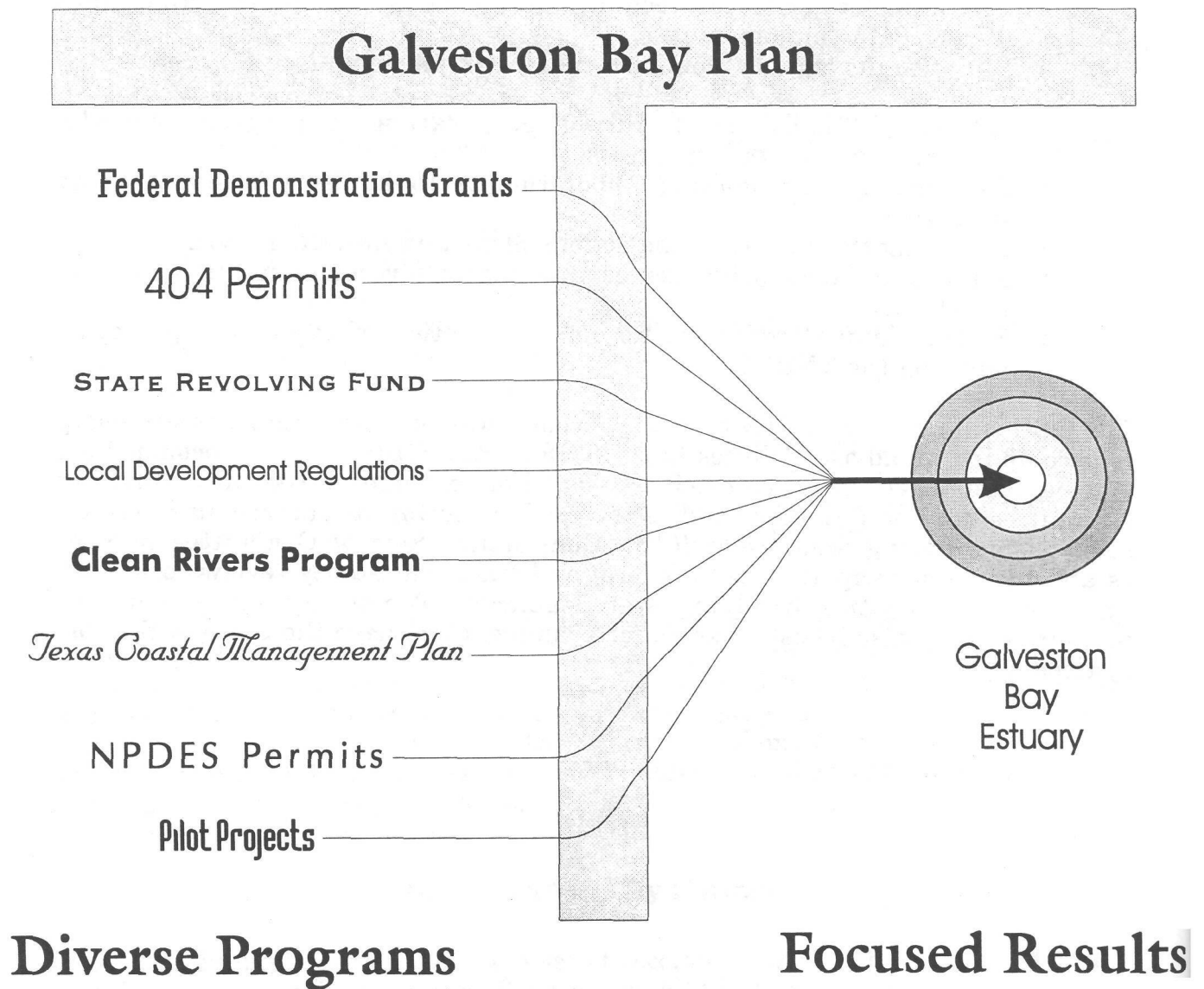


FIGURE 3. *Galveston Bay Council Representatives*

TYPE OF ORGANIZATION	INTEREST REPRESENTED
Federal Agencies:	Army Corps of Engineers Environmental Protection Agency National Marine Fisheries Service Soil Conservation Service U.S. Coast Guard U.S. Fish and Wildlife Service U.S. Geological Survey
State Agencies:	Texas Department of Agriculture Texas Department of Health Texas Department of Transportation Texas General Land Office Texas Natural Resource Conservation Commission Texas Parks and Wildlife Department Texas Railroad Commission Texas Soil and Water Conservation Board Texas Water Development Board
Regional/Local Governments:	Gulf Coast Waste Disposal Authority Houston Galveston Area Council Port of Houston Authority City of Houston San Jacinto River Authority Trinity River Authority Large Local Governments (population > 500,000) Medium Local Governments (population 25,000 -- 500,000) Small Local Governments (population < 25,000)
Environmental/Citizen Groups:	Citizens-at-Large Galveston Bay Foundation Gulf Coast Conservation Association Low Income and Minority Communities Other Conservation Organizations League of Women Voters
Private Sector:	Commercial Fisheries East Harris County Manufacturer's Association Galveston County Council of Chambers Greater Houston Partnership Industry Marinas Utilities
Research/Academia:	Major Universities Sea Grant Program